

1 **IN THE UNITED STATES DISTRICT COURT**
2 **NORTHERN DISTRICT OF CALIFORNIA**

3 IN RE WELLS FARGO LOAN PROCESSOR
4 OVERTIME PAY LITIGATION

MDL Docket No. 1841

5 **[AMENDED PROPOSED] CASE
6 MANAGEMENT ORDER**

7 THIS DOCUMENT RELATES TO ALL CASES

8 **[AMENDED PROPOSED] CASE MANAGEMENT ORDER**

9 MARILYN HALL PATEL, United States District Judge:

10 AND NOW, on this 9th day of November, 2007, it appearing that the cases captioned
11 *Bowne v. Wells Fargo Home Mortgage*, D. Kan., No. 06-2020 and *Basore v. Wells Fargo Home*
12 *Mortgage, et al.*, N.D. Cal. 07-4, having been filed / or transferred to this Court by an Order
13 entered on June 22, 2007 by the Judicial Panel on Multidistrict Litigation pursuant to 28 U.S.C. §
14 1407, it is hereby ORDERED, as follows:

15 **CONSOLIDATION**

16 1. The cases captioned *Bowne v. Wells Fargo Home Mortgage*, D. Kan., No. 06-2020
17 and *Basore v. Wells Fargo Home Mortgage, et al.*, N.D. Cal. 07-461 are consolidated for pretrial
18 proceedings (the “Consolidated Action”). This order does not constitute a determination that
19 these actions shall be consolidated for trial, nor does it have the effect of making any entity a
20 party to an action in which it has not been joined and served in accordance with the Federal Rules
21 of Civil Procedure.

22 2. Orders, pleadings, motions, and other documents will bear a caption similar to that
23 of this order. If generally applicable to all consolidated actions, the documents shall include in its
24 caption the notation that it relates to “ALL CASES” and be filed and docketed only in the master
25 file. A document intended to apply only to a particular case will indicate in its caption the case
26 number of the case(s) to which it applies, and extra copies shall be provided to the clerk to
27 facilitate filing and docketing both in the master case file and the specified individual case file.

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**SUBSEQUENTLY FILED
AND TRANSFERRED RELATED CASES**

3. The terms of this order, including pretrial consolidation and the organizational
 4 structure of Plaintiffs' counsel, shall apply automatically to Related Cases (as defined by Civ.
 5 L.R. 3-12(a)), later instituted in, removed to, or transferred to this court (including cases
 6 transferred for pretrial purposes under 28 U.S.C. § 1407). Objections to such consolidation or
 7 other terms of this order shall promptly be filed, with a copy served on liaison counsel for
 8 Plaintiffs and Defendants as noted herein.

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PREVIOUSLY FILED PAPERS

10. 4. All papers previously filed and served to date in *Bowne* and *Basore* are deemed to
 11 be and are hereby adopted as part of the record in the Consolidated Action.

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FILING OF THE ORDER

13. 5. This Order shall be filed in file number MDL-1841 and the entry of the Order shall
 14 be docketed in each of the consolidated actions. All papers filed by Plaintiffs and Defendants
 15 under the above-consolidated caption shall be filed only in action No. MDL-1841.

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COORDINATION OF PLEADINGS AND OTHER PAPERS

17. 6. The Coordinated Action is subject to the Electronic Case Filing ("ECF")
 18 requirements of Local Rule 5-4, and General Order 45. Papers in this case shall be deemed filed
 19 and served on all parties when submitted pursuant to the ECF procedures. All counsel for the
 20 parties in the Coordinated Action are ordered to register for ECF if they have not already done so.

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ORGANIZATION OF COUNSEL

22. 7. Lead Counsel: The Court designates the following firm to act as lead counsel on
 23 behalf of all Plaintiffs with responsibilities hereinafter described:

24

Stueve Siegel Hanson LLP
 25 George A. Hanson
 26 Eric L. Dirks
 27 460 Nichols Road, Suite 200
 28 Kansas City, Missouri 64112
 Telephone: (816) 714-7115
 Facsimile: (816) 714-7101

1 hanson@stuevesiegel.com
2 dirks@stuevesiegel.com

3 George A. Hanson and Eric L. Dirks shall have responsibility for the management of all
4 Plaintiffs.

5 The Court designates the following firm to act as lead counsel on behalf of Defendants:

6 **Spencer Fane Britt & Browne LLP**

7 Denise K. Drake
Eric P. Kelly
1000 Walnut Street, Suite 1400
8 Kansas City, Missouri 64106
Telephone: (816) 474-8100
Facsimile: (816) 474-3216
9 ddrake@spencerfane.com
ekelly@spencerfane.com

10 8. Duties of Lead Counsel for Plaintiffs: Lead Counsel for Plaintiffs shall have the
11 following responsibilities and duties, to be carried out exclusively by Lead Counsel for Plaintiffs,
12 or by other Plaintiffs' counsel as designated by Lead Counsel for Plaintiffs:

- 13 A. To speak for Plaintiffs at hearings and conferences;
- 14 B. To present the position of Plaintiffs on matters arising during pre-trial
proceedings;
- 15 C. To file a consolidated complaint;
- 16 D. Coordinate the initiation and conduct of discovery on behalf of Plaintiffs
consistent with the requirements of Fed. R. Civ. P. 26(b)(1) and (2), and
(g), including the preparation of joint interrogatories and requests for
production of documents and the examination of witnesses in depositions;
- 17 E. Conduct settlement negotiations on behalf of Plaintiffs;
- 18 F. Communicate with and enter into stipulations with opposing counsel
necessary for the conduct of the litigation;
- 19 G. Prepare and distribute to the Plaintiffs periodic status reports;
- 20 H. Maintain adequate time and disbursement records covering services of
Lead Counsel for Plaintiffs;
- 21 I. To act as liaison among all parties, including coordinating briefing and
appearances and being available for communications from the court; and

J. Perform such other duties as may be incidental to proper coordination of Plaintiffs' pretrial activities or authorized by further order of the Court.

9. Attorneys appointed as Lead Counsel who are admitted to practice before this court, including those admitted *pro hac vice*, need not associate local counsel.

INITIAL BRIEFING SCHEDULE

10. Initial Briefing and Discovery: The following briefing and discovery schedule is not intended to indicate any parties' or the Court's position regarding the propriety of any motions relating to these issues or the need for or propriety of any discovery. The dates established herein for the completion of discovery on certain issues do not preclude the parties from engaging in discovery on other issues.

11. Section 17200 and Related Issues: Defendants have raised the possibility of early determination of certain legal issues pertaining to the applicability of California Business & Professional Code §§ 17200 et seq. to the claims raised in *Basore v. Wells Fargo Home Mortgage, et al.*, N.D. Cal. 07-461.

- 17200 Issues discovery will be completed (responses due and depositions completed) by December 31, 2007.
 - 17200 Issues moving papers filed and served by January 8, 2008.
 - 17200 Issues opposition papers due by January 22, 2008.
 - 17200 Issues reply papers due by February 7, 2008.
 - 17200 Issues hearing on February 25, 2008 at 2:00 PM.

12. Rule 23 Class Certification and 216(b) Collective Action Motions: Plaintiffs shall file their intended Rule 23 class certification motion and a separate motion authorizing collective action notice pursuant to 29 U.S.C. § 216(b), (collectively, “Certification Issues”) both according to the following briefing schedule:

- Certification Issues discovery will be completed (responses due and depositions completed) by January 31, 2008.
 - Certification Issues moving papers filed and served by March 3, 2008.
 - Certification Issues opposition papers due by March 24, 2008.

- 1 • Certification Issues reply papers due by April 7, 2008.
2 • Certification Issues hearing on April 21, 2008 at 2:00 PM.

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4 Dated: November 9, 2007 _____
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9 **STUEVE SIEGEL HANSON LLP**

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19 **ATTORNEYS FOR PLAINTIFFS**



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